

N00102.AR.002911  
NSY PORTSMOUTH  
5090.3a

LETTER REGARDING MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
COMMENTS ON DRAFT RECORD OF DECISION FOR OPERABLE UNIT 7 (OU 7) NSY  
PORTSMOUTH ME  
8/21/2013  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

August 21, 2013

Elizabeth Middleton  
NAVFAC MIDLANT  
Code OPTE3  
9742 Maryland Ave  
Norfolk, VA 23511

re: Draft Record of Decision for Operable Unit 7, Portsmouth Naval Shipyard, Kittery, ME, July 2013.

Dear Liz,

The Maine Department of Environmental Protection has completed its review of the subject document. We have the following comments.

1. 2.8 Remedial Action Objectives, p. 21. "Depths of remediation were based on the exposure depths evaluated in the HHRA, surface soil from 0 to 2 feet bgs and subsurface soil from 2 to 10 feet bgs or groundwater table at high tide, whichever is shallower."

As a reminder, as stated in MEDEP's April 29, 2013 comment letter on the Draft Final FS for OU7, if a typical excavation depth for construction work at the Shipyard could result in unacceptable exposure for a construction worker then the contaminated soil should be removed regardless of whether or not the soil is saturated.

2. 2.12.2 Description of Selected Remedy, p. 27, 3<sup>rd</sup> paragraph. "Based on the concentrations of dioxins/furans and total PCBs detected at OU7, remediation of subsurface soil to industrial worker cleanup levels will also result in concentrations of these COCs less than the residential cleanup level..."

Please clarify/revise this statement. Is this referring to surface soil concentrations of these COCs that, as with lead in surface soil, will be incidentally reduced to below residential cleanup levels due to removal of subsurface soil?

3. App. E. ARARs, Table E-1, State Action-Specific ARARs and TBCs. Include Waste Management in this table, as is stated in the June 2013 OU7 Final Feasibility Study.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

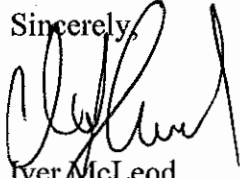
PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

Requirement	Citation	Status	Synopsis	Evaluation/Action To Be Taken
Waste Management	Additional Standards Applicable to Waste Facilities Located in a Flood Plain (06-096 CMR 854.16)	Relevant and Appropriate	Any facility located or to be located within 300 feet of a 100 year flood zone must be constructed, operated, and maintained to prevent wash-out of any hazardous waste by a 100 year flood or have procedures in place which will cause the waste to be removed to a location where the waste will not be vulnerable to flood waters and to a location which is authorized to manage hazardous waste safely before flood water can reach the facility.	Any remedial activities conducted within 300 feet of the 100-year flood zone would be conducted in compliance with these standards.

Please feel free to contact me at (207) 287-8010 if you have any questions.

Sincerely,



Iver McLeod  
Project Manager  
Bureau of Remediation and Waste Management

pc:

Chris Evans, MEDEP  
Matt Audet, USEPA  
Bryan Peed, NavFac  
Lisa Joy, US Navy  
Matt Thyng, US Navy  
Debbie Cohen, TiNUS  
Paul Dombrowski, Resolution

PNSY RAB  
Doug Grout, NH Fish and Game  
Carolyn LePage, SAPL  
File